

LAW OFFICE OF ANTHONY CECUTTI

217 Broadway, Suite 707
New York, New York 10007
Phone: (212) 619-3730
Cell: (917) 741-1837
Fax: (212) 962-5037
anthonycecutti@gmail.com

October 18, 2021

BY ECF

The Honorable Paul A. Engelmayer
United States District Court Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Justin Rivera; 19 Cr. 131 (PAE)

Dear Judge Engelmayer:

As the Court is aware, we represent Justin Rivera. We write to respectfully request that sentencing, which is scheduled for November 9, 2021, be adjourned until early January, 2022. After conferring with AUSA Daniel Wolf, the Government takes no position as to this request.

On June 11, 2021, Mr. Rivera was convicted of the single charge against him – conspiracy to commit sex trafficking, by force, fraud or coercion. Following the trial, we began to prepare for sentencing. This involved retaining an out-of-state mitigation specialist – Lindsay Bendell, LCSW, participating in the pre-sentence process with the Department of Probation, interviewing Mr. Rivera’s family members and friends, conducting a thorough mitigation investigation and meeting with Mr. Rivera.

Unfortunately, we have encountered several obstacles over the last month which have impacted our sentencing preparation. First and foremost, we have had difficulty meeting with Mr. Rivera. Mr. Rivera had been incarcerated at the MCC since early 2019 until he was transferred last month to MDC Brooklyn. As the Court is likely aware, the MCC is in the process of closing. Accordingly, Mr. Rivera, along with many other inmates were transferred to various jails, including MDC Brooklyn. Upon his transfer to MDC Brooklyn, Mr. Rivera was placed in quarantine for approximately 3 weeks. During this time, we were unable to meet with him. Neither was mitigation specialist, Ms. Bendell.

Since he was released from quarantine and transferred to a housing unit at MDC Brooklyn, we have continued to encounter challenges in communicating with Mr. Rivera due to worsening conditions and problems at MDC Brooklyn. For example, associate

counsel, Kestine Thiele, and I attempted to visit Mr. Rivera on October 4, 2021. We were informed by staff that he could not meet with us because he did not have proper shoes (i.e. a blue pair of prison-issued shoes) and that none were available to give to him.¹ Additionally, from October 8, 2021 until October 11, 2021, MDC Brooklyn underwent “maintenance.” As such, the water was turned off and there was limited power, and inmates were on “lockdown.” Following the “maintenance” procedures, inmates continued to be on “lockdown.” On October 13, 2021, we had a legal call scheduled with Mr. Rivera. The call never happened. We have another legal call scheduled with him for October 19, 2021. We are very much hoping to be able to speak with him then. However, we are unable to complete our sentencing submission by October 26, 2021 because of our irregular communications and disrupted access to Mr. Rivera. To prepare effectively for sentencing, we need to have regular and ongoing access and communications with Mr. Rivera. Such communications are vital to preparing for sentencing.

While we have made significant efforts to meet and communicate with Mr. Rivera, we have experienced great difficulties at a critical time, with sentencing nearing. We intend to continue to make every effort to try and meet with Mr. Rivera in person and remotely to prepare for sentencing. Additional time is needed for us to do so. Accordingly, we respectfully request an adjournment of sentencing until early January, 2022.

Thank you for your consideration.

Respectfully submitted,

/s/

Anthony Cecutti

GRANTED. Sentencing is adjourned to January 20, 2021 at 10:30 a.m. The Clerk of Court is requested to terminate the motion at Dkt. No. 915.

10/20/2021

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

¹ Ms. Bendell was able to meet with Mr. Rivera on October 6th and October 7th. She was not permitted to visit with Mr. Rivera on October 9, 2021 and has plans to meet with Mr. Rivera, as well as other family members and friends to complete her mitigation investigation.